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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,958	04/07/2000	Janette Bradley	A00006	2119
26643	7590	06/22/2004	EXAMINER	
PETER J. GORDON, PATENT COUNSEL AVID TECHNOLOGY, INC. ONE PARK WEST TEWKSBURY, MA 01876			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 06/22/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/543,958	BRADLEY ET AL.
Examiner	Art Unit	
Jungwon Chang	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on amendment B dated 4/26/04.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-14 and 16-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-14 and 16-23 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claim 15 have been canceled, and claim 1 is amended. Claims 1-14 and 16-23 are presented for examination.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 4/26/04 has been entered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (6,546,405), hereinafter Gupta, in view of Crow et al. (US 6,262,724), hereinafter Crow.

5. Crow was cited by examiner in prior office action (paper #5 dated 3/27/2003).

6. As to claim 1, Gupta discloses the invention substantially as claimed, including a review system for media content comprising a plurality of frames of digital data (col. 2, lines 14-30 and 53-64) comprising:

a player (i.e., multimedia player; 110, fig. 9) for playing the media content (col. 4, lines 42-44; col. 5, lines 32-38);

a comment receiver for receiving comments from the reviewer pertaining to the selected one or more of the plurality of frames of the media content (i.e., receiver receiving annotation (comments or notes) relating to the selected frame; col. 3, lines 17-30; col. 6, lines 37-42; col. 19, lines 32-50); and

a storage manager for storing the received comments in frame accurate correspondence with the selected one or more of the plurality of frames of digital data to which the received comments pertain (i.e., storing the annotation with the selected frame in publicly accessible storage, i.e., on a shred server on the Internet; col. 3, lines 4-8; col. 4, lines 45-51; col. 5, lines 13-14; col. 10, lines 31-46).

7. Gupta discloses a multimedia content that is a sequence of frames, each of the frames is associated with a particular time which is generally relative to a base time associated with the first frame (col. 5, lines 26-31). However, Gupta does not specifically disclose receiving an indication of a start frame and an end

frame of a selected one or more of the plurality of frames. Crow discloses receiving an indication of a start frame (i.e., start marker for selecting the particular start frame, 270, fig. 8A) and an end frame (i.e., end marker for selecting the particular end frame; end marker, 272, fig. 8A) of a selected one or more of the plurality of frames (col. 18, lines 9-13 and 62-64; col. 19, lines 29-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gupta and Crow because Crow's start and end frames would reduce the editing time by selecting only the frame section to edit without requiring playback of entirety of frames (Crow, col. 18, lines 30-37).

Gupta does not specifically disclose approval system. However, Crow discloses approval system (i.e., "The following review (preview) has been approved for all reviewers (audiences)", figs. 10A-10C). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gupta and Crow because Crow's approval system would allow the system to aware of what multimedia contents will be authoring.

8. As to claims 2 and 3, Gupta discloses the media content includes video data ordered by time code, and the media content includes audio data (i.e., each digitized sound, each graphical image is associated with a relative time; col. 5, lines 43-54, lines 5-7; col. 9, lines 25-35).

9. As to claims 4-6, Gupta discloses receiving a list of one reviewer to provide the comments (i.e., receiving annotation (comments or notes) relating to the selected frame; col. 3, lines 17-30; col. 6, lines 37-42); and the comments include text or voice comments (i.e., annotation entry includes text and audio; col. 10, lines 3-7).

10. As to claim 7, Gupta discloses the player (i.e., multimedia player; 110, fig. 9; col. 4, lines 42-44; col. 5, lines 32-38) and the comment receiver (i.e., receiver receiving annotation (comments or notes) relating to the selected frame; col. 3, lines 17-30; col. 6, lines 37-42) execute on a first computer system (i.e., client computer system, 100A, fig. 1A), and storage manager executes on a second computer system (i.e., publicly accessible storage, i.e., on a shred server on the Internet in the server computer system; 100B-D; col. 3, lines 4-8; col. 5, lines 13-14; col. 4, lines 45-51; col. 10, lines 31-46)) and the first computer system and the second computer system are coupled by a communications network (i.e., first computer is coupled to the second computer through a computer network; fig. 1A; col. 5, lines 3-5).

11. As to claim 8, it is rejected for the same reasons set forth in claim 1 above. In addition, Gupta discloses media editing system (col. 7, lines 59-65); and a file generator (i.e., file manager; 182, fig. 9) for producing a data file of the received comments for informing the media editing system of the comments by the reviewer (i.e., file manager creating a data file, i.e., annotation entry, 300, fig. 3;

col. 7, lines 31-34 and 59-65; col. 21, lines 54-67).

12. As to claim 9, Gupta discloses identifying the reviewer (301, fig. 3; col. 9, lines 4-10) and the comment received from the reviewer (i.e., identifier can identify the comment received from the reviewer; 312, fig. 3; col. 10, lines 15-30).

13. As to claim 10, Gupta discloses frame rate for playing the media content (col. 14, lines 48-53).

14. As to claim 11, Gupta discloses identifying the selected on or more of the plurality of frames (i.e., identifier can uniquely identifies the multimedia content; col. 10, lines 15-30).

15. As to claim 12, Gupta discloses data file contains the comments (col. 3, lines 17-30; col. 8, lines 56-65).

16. As to claims 20 and 21, they are rejected for the same reasons set forth in claims 1 and 8. In addition, Gupta discloses a computer program product (col. 5, lines 25-30), comprising: computer readable instructions stored on a computer readable medium, wherein the instructions when executed by a computer (col. 27, lines 15-19), instruct the computer to perform a process for reviewing a media content and providing comments by a user with respect to the media content (i.e., displaying the media content with comments; col. 27, lines 27-30;

col. 3, lines 17-30; col. 6, lines 37-42; col. 19, lines 32-50).

17. As to claims 22 and 23, Gupta further discloses the process for reviewing media content and providing comments by a user corresponding to the media content (i.e., displaying the media content with comments; col. 27, lines 27-30; col. 3, lines 17-30; col. 6, lines 37-42; col. 19, lines 32-50) and communicating the comments to an editing system further includes communicating the one or more plurality of frames of digital data corresponding to the comments to the editing system (i.e., editing mechanism; col. 7, lines 59-65).

18. Claims 13 and 14 are rejected for the same reasons set forth in claims 2 and 3 above.

19. Claims 16-18 are rejected for the same reasons set forth in claims 4-6 above.

20. Claim 19 is rejected for the same reasons set forth in claim 7 above.

21. Claims 1-14 and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore et al. (6,353,461 B1), hereinafter Shore.

22. As to claim 1, Shore discloses the invention substantially as claimed, including a review and approval system for media content comprising a plurality

of frames of digital data (col. 1, lines 24-33) comprising:

    a player for playing the media content (col. 5, lines 20-30);  
    a comment receiver for receiving comments from the reviewer pertaining to the selected one or more of the plurality of frames of the media content (col. 7, lines 52-65); and

    a storage manager for storing the received comments in frame accurate correspondence with the selected one or more of the plurality of frames of digital data to which the received comments pertain (i.e., database; col. 1, lines 32-33; col. 2, lines 13-15, 20-21 and 52-56; col. 5, line 58 – col. 6, line 4; col. 7, lines 61-65).

23. Shore does not specifically disclose receiving an indication from a start frame and an end frame of a selected one or more of the plurality of frames. However, Shore discloses a particular scene (scene #12, fig. 9) that is divided into multiple frames (11 frames, 225, fig. 9; col. 11, lines 2-6). The first frame of the selected frames (11 frames, 225, fig. 9) is a start frame and the last frame of the selected frames is the end of frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include start and end frames because doing so would reduce the editing time by selecting only the frame section to edit without requiring playback of entirety of frames.

24. As to claims 2 and 3, Shore discloses the media content includes video data ordered by time code (165, figs. 5-14; col. 8, lines 39-52), and the media

content includes audio data (abstract, lines 5-7; col. 4, lines 1-2).

25. As to claims 4-6, Shores discloses receiving a list of one reviewer to provide the comments (i.e., operator; col. 6, lines 17-41; col. 7, lines 52-65;); and the comments include text or voice comments (col. 5, line 65 – col. 6, line 4).

26. As to claim 7, Shore discloses the player and the comment receiver execute on a first computer system (col. 5, lines 20-30), and storage manager executes on a second computer system (i.e., database; col. 1, lines 32-33; col. 2, lines 13-15, 20-21 and 52-56; col. 5, line 58 – col. 6, line 4; col. 7, lines 61-65) and the first computer system and the second computer system are coupled by a communications network (col. 19, lines 24-31).

27. As to claim 8, it is rejected for the same reasons set forth in claim 1. Shores does not specifically disclose a file generator for producing a data file. However, Shores discloses a database functionality (585, figs. 3-14) that provides command options which are directed to maintaining the system database (col. 19, lines 41-45); and that records and manages both media and production information (col. 1, lines 32-33; col. 2, lines 13-15, 20-21 and 52-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include file generator because doing so would reduce memory space by allowing the user to store only the necessary media data to the database.

28. As to claims 9-12, Shores further disclose frame rate for playing the media content (col. 11, lines 39-46).

29. As to claims 20 and 21, they are rejected for the same reasons set forth in claims 1 and 8. In addition, Shores discloses a computer program product (col. 5, lines 25-30), comprising:

a computer readable medium (i.e., database; col. 1, lines 32-33; col. 2, lines 13-15, 20-21 and 52-56; col. 5, line 58 – col. 6, line 4; col. 7, lines 61-65).

30. As to claims 22 and 23, Shores further discloses the process for reviewing media content and providing comments by a user corresponding to the media content and communicating the comments to an editing system further includes communicating the one or more plurality of frames of digital data corresponding to the comments to the editing system (col. 2, lines 16-24; col. 16, lines 20-26).

31. Claims 13 and 14 are rejected for the same reasons set forth in claims 2 and 3 above.

32. Claims 16-18 are rejected for the same reasons set forth in claims 4-6 above.

33. Claim 19 is rejected for the same reasons set forth in claim 7 above.

34. Applicant's arguments filed on 4/26/04 have been respectfully considered but they are not persuasive.

35. As to applicant's arguments (page 7) that Shore neither teaches nor suggests permitting an operator to indicate "a start frame and an end frame of a selected one or more of the plurality of frames" as recited in all independent claims. In response to applicant's arguments, examiner respectfully disagrees because Shore discloses a particular scene (scene #12, fig. 9) that is divided into multiple frames (11 frames, 225, fig. 9; col. 11, lines 2-6). The first frame of the selected frames (11 frames, 225, fig. 9) can be indicated as the start frame and the last frame of the selected frames can be indicated as the end of frame.

Applicant is directed to read paragraph 20 above.

### ***Conclusion***

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Snook, patent 6,400,378, Abbott et al, patent 6,654,933, Nagasawa, patent 6,430,355 disclose method and apparatus for allowing a viewer to control over multimedia contents delivered to the viewer.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is

(703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWC  
June 14, 2004



ZARNI MAUNG  
PRIMARY EXAMINER